

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JOHN O. STUDY,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 1:10-cv-0153-WTL-DML

ENTRY

Judgment dismissing this action was entered on the clerk's docket on May 10, 2010. The plaintiff filed a timely notice of appeal from this disposition. That appeal was docketed as No. 10-2370 and was dismissed on October 20, 2010, based on the plaintiff's failure to timely pay the docketing fee for the appeal.

Through his filing of November 1, 2010, the plaintiff seeks reinstatement of the action. That filing was well beyond the 28-day period permitted for the filing of a timely motion to alter or amend judgment pursuant to Rule 59(e) of the *Federal Rules of Civil Procedure*. That filing does not seek relief based on any of the specified grounds for awarding relief pursuant to Rule 60(b) of the *Federal Rules of Civil Procedure*. Instead, the filing implies that there was legal error in the disposition of the action. Rule 60(b) does not provide an avenue for asserted legal error. See *Marques v. FRB*, 286 F.3d 1014, 1018-19 (7th Cir. 2002) ("A legal error is not one of the specified grounds for [a 60(b) motion]. In fact, it is a forbidden ground.").

Based on the foregoing, therefore, relief sought by the plaintiff in his filing of November 1, 2010, (dkt 58) is **denied**.

IT IS SO ORDERED.

Date: 11/12/2010

Distribution:

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Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana